

REMARKS

In the Office Action dated October 20, 2005, claims 1-25 were rejected under 35 U.S.C. § 103 over U.S. Patent No. 5,946,386 (Rogers) in view of U.S. Patent No. 5,313,653 (Sasuta).

To establish a *prima facie* case of obviousness, at least the following requirement must be established: references when combined must teach or suggest all elements of the claim. See M.P.E.P. § 2143 (8th ed., Rev. 3), at 2100-135. In this case, the hypothetical combination of the references does not disclose or suggest each of the recited claims.

As conceded by the Office Action, Rogers does not disclose storing permission data relating to security for a system, and determining whether the type of telephony call is permitted based on the permission data. 10/20/2005 Office Action at 2. However, the Office Action relied upon Sasuta as disclosing the subject matter not disclosed by Rogers. *Id.* at 2-3. Specifically, the Office Action cited Fig. 2 and column 2, line 58-column 3, line 30, of Sasuta as disclosing the permission data recited in claim 1.

Sasuta also does not disclose storing permission data *relating to security* for the system, or determining, based on the permission data relating to *security for the system* whether the type of the telephony call is permitted. Sasuta is concerned about reducing control channel traffic of a communication unit. Sasuta proposes a scheme of reducing control channel traffic by storing a database that indicates system services available to the communication unit. Sasuta, 2:58-63. The database identifies system services to which the communication unit has subscribed. Sasuta, 1:37-39. There is absolutely no indication or suggestion in Sasuta that the database contains information that relates to security for a system, nor is there any indication or suggestion that determining whether a type of telephony call is permitted is based on permission data relating to security for the system.

Moreover, note that Sasuta discloses that the communication unit (one of communication units 102-105 depicted in Fig. 1 of Sasuta) “will not transmit a request to perform the selected system service” if the selected system service is one that the communication unit is currently not permitted to perform. Sasuta, 3:12-17. In other words, if a communication unit in Sasuta determines that a selected system service is not permitted, then no request is sent at all so that control channel traffic can be reduced. Sasuta, 2:57-61. This is contrasted to the subject matter recited in claim 1, in which the telephony call is established in response to a request to establish

a telephony call, and *after establishing the telephony call, detecting for an indication of a type of the telephony call and determining, based on the permission data relating to security for the system, whether the type of the telephony call is permitted.* Since Sasuta relates to making a determination prior to sending a request for a call, Sasuta cannot satisfy the element of claim 1 where the determining is performed after establishing the telephony call. Note that "the" type of telephony call recited in the determining element of claim 1 refers to the "type of telephony call" recited in the detecting element of claim 1 (which occurs "after establishing the telephony call").

In view of the foregoing, it is respectfully submitted that a *prima facie* case of obviousness has not been established with respect to claim 1 over the asserted combination of Rogers and Sasuta.

Independent claims 13 and 21 are similarly allowable over the cited references.

In view of the foregoing, allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (200304161-2).

Respectfully submitted,

Date: _____

Jan 10, 2006

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